IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21455 of 2000

Between:

1 M.A.Hafeez, S/o. Hameed,
R/o. R.M.Office, A.P.S.R.T.C.,
Ongole, Prakasam District.
2 A. Venkateswarlu, S/o. Venkata Subbaiah,
R/o. Podili Depot, A.P.S.R.T.C.,
Podili, Prakasam District.

..... PETITIONERS

AND

The Regional Manager, A.P.S.R.T.C.,
Ongole, Prakasam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction, particularly one in the nature of Writ of Mandamus, declaring the proceedings of the Respondents issued in his proceedings No.E4/785(1)/98-RM(O), dated 27-11-1998, thereby refusing to regularise our services from the date of our initial dates of appointments, as arbitrary, illegal and contrary to the Judgment of this Hon'ble Court reported in 1998 (5) A.L.D. Page 409.

Counsel for the Petitioner: MR.M.RAVINDRANATH REDDY

Counsel for the Respondent: R.Manmadha Reddy (SC FOR A.P.S.R.T.C.)

The Court made the following :

THE HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION NO.21455 OF 2000

ORDER:

This writ petition is filed seeking to declare the action of the respondent in not regularizing the selection of the petitioners from the date of initial appointment, as arbitrary and illegal.

The grievance of the petitioners is that they were appointed as conductors but their services were not regularized from the date of their initial appointment. It is the further case of the petitioners that they were called for interview against regular vacancies for the post of conductors and they were selected by regular selection process and they were also required to undergo training besides other formalities. The petitioners were appointed on daily- wage basis from 17.4.1989 and 17.5.1990 respectively.

The respondent filed a detailed counter stating that as per the judgment of this Court in W.P.No.3841 of 1998 the services of the petitioners have to be regularized from the date of initial appointment and the proceedings dated 22.11.1998 were issued duly following the guidelines framed for regularization and therefore, their services were regularized from 16.5.1991 and 1.9.1995 respectively and as such they are not entitled for further regularization.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondent.

Though the petitioners were regularized from the respective dates as mentioned in the counter, but the grievance of the petitioners is that their services were not regularized from the date of their initial appointment. The issue has been squarely

covered by the decision rendered by this Court in W.P.No.16244 of 1999 and Batch, dated 18.8.2004. Against the said batch of writ petitions, the respondents filed writ appeals and the same have been dismissed. Therefore, the order of the learned Single Judge dated 18.8.2004 has become final. The learned Single Judge disposed of the said batch of writ petitions in terms of the judgment of the Supreme Court reported in ***DIVISIONAL MANAGER, APSRTC AND OTHERS v P.LAKSHMOJI RAO*** wherein the Hon'ble Supreme Court at para-18 of the said judgment observed as follows:

> " 18. In view of this peculiar situation and in order to avoid the anomalies that might otherwise ensue, while we hold that the respondent-employees have failed to establish their legal right to get the status of regular employees right from the date of their initial appointment on daily wage basis and the respective dates of regularization assigned to the respondents cannot be legally faulted, we are inclined to mould the relief in modification of the directions given in the judgments under appeal and direct as follows:
>
> If any of the Conductors, junior to the respondents in the relevant seniority list of the concerned Division/Region, have got the benefit of seniority and regularization OR are entitled to get the same by virtue of the judgments that have become final, then the respondents who are seniors to them, shall be given the same benefit on the same principle."

The present writ petition is disposed of in terms of the above judgment. No costs.

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K.C.BHANU,J

20th June, 2005.

Mdaa

Copy to:

The Regional Manager, A.P.S.R.T.C.,
Ongole, Prakasam District.

2. Two C.D.copies.